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SECRETARY



PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
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July 14, 2003

Mr. James I. Palmer, Jr.
Regional Administrator
U.S. EPA, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Dear Mr. Palmer:

On December 20, 2002, you notified my office that proposed boundary designations under the new 8-hour ozone standard were due April 15, 2003. After further review, on February 27, 2003, U.S. EPA notified states that the deadline had been extended and that proposed designations were due on July 15, 2003.

Although the 8-hour standard was upheld through numerous court challenges, EPA has only recently released draft implementation guidance on what the potential impacts may be for areas designated as nonattainment. States will be faced with numerous difficulties in the implementation of the 8-hour ozone standard and having no clear decision on implementation issues as these designations are made, makes these decisions more difficult. States are left trying to explain potential impacts to our local communities with no clear cut answers on future impacts. I am especially concerned that EPA's eventual decisions, especially in relationship to designating areas under Subpart 1 or Subpart 2 of the Act, may subject areas to additional requirements pending the outcome of that implementation plan.

However, Section 107 of the Clean Air Act requires Governors of states, including Kentucky, to designate areas within their respective states as either attaining or not attaining National Ambient Air Quality Standards. In order to comply with those provisions in the Act, I am submitting the following designation recommendations for Kentucky counties under the 8-hour ozone standard. Supporting documentation, based on EPA's guidance criteria is enclosed.



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<u>County</u>	<u>Designation</u>
Bell	Nonattainment
Boyd	Nonattainment
Bullitt	Nonattainment
Oldham	Nonattainment
Jefferson	Nonattainment
Boone	Nonattainment
Campbell	Nonattainment
Kenton	Nonattainment
Christian	Nonattainment
Warren	Nonattainment
Rest of State	Attainment

Kentucky wishes to comply with the Act and cooperate with U.S. EPA to improve and preserve air quality for the citizens of the Commonwealth. However, these recommendations are being made with great reservation, since eventual outcomes of requirements for these areas are still being debated on a national level. Therefore, I urge EPA to finalize implementation guidelines for these areas under the 8-hour ozone standard as quickly and judiciously as possible.

Sincerely,



Paul E. Patton

Enclosure

c: Henry C. List